

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Karina Herrera	Team: Squad #7	CCRB Case #: 202001672	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 02/13/2020 9:42 PM	Location of Incident: Linden Boulevard between Eldert Lane and Drew Street	Precinct: 75	18 Mo. SOL 8/13/2021	EO SOL 3/30/2022	
Date/Time CV Reported Fri, 02/14/2020 6:51 PM	CV Reported At: IAB	How CV Reported: E-mail	Date/Time Received at CCRB Fri, 02/28/2020 11:12 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Sean Keegan	12338	954994	075 PCT
2. POM John Plumitallo	16755	961108	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Sean Keegan	Abuse: Police Officer Sean Keegan stopped the vehicle in which § 87(2)(b) was an occupant.	
B.POM John Plumitallo	Abuse: Police Officer John Plumitallo stopped the vehicle in which § 87(2)(b) was an occupant.	
C.POM Sean Keegan	Abuse: Police Officer Sean Keegan searched the vehicle in which § 87(2)(b) was an occupant.	

### **Complaint Summary**

On February 14, 2020, § 87(2)(b) filed the following complaint with the IAB Command Center via email. The original log number #2020-4964 was forwarded to the Office of the Chief of Department (OCD). The following was referred to the CCRB and it was received on February 28, 2020. At approximately 9:42 p.m. on February 13, 2020, two officers, Police Officer Sean Keegan and Police Officer John Plumitallo from the 75<sup>th</sup> Precinct, stopped § 87(2)(b) vehicle on Linden Boulevard between Eldert Lane and Drew Street in Brooklyn (**Allegation A**) (**Allegation B**). The officers told § 87(2)(b) that they stopped his vehicle because they smelled an odor of marijuana coming from it at the time he drove past them. § 87(2)(b) vehicle did not smell like marijuana at the time of the incident and he did not smoke marijuana prior to the vehicle stop. The officers instructed § 87(2)(b) to exit his vehicle and he did so. Police Officer Keegan proceeded to search § 87(2)(b) vehicle, including his trunk, while Police Officer Plumitallo remained with § 87(2)(b) (**Allegation C**). After Police Officer Keegan finished searching § 87(2)(b) vehicle, the officers left the incident location. § 87(2)(b) was not arrested or issued a summons during the incident.

§ 87(2)(b) provided the name of the officer who searched his vehicle as “Police Officer Sean Keegan” and his shield number as “12338.” That information corresponded to Police Officer Keegan from the 75<sup>th</sup> Precinct, which was the precinct of occurrence. IAB provided a Warrant Audit for any and all searches that were conducted by officers for § 87(2)(b) on the incident date, and the results showed that Police Officer Plumitallo was the only one who searched § 87(2)(b) and it was approximately around the same time as the incident. The 75<sup>th</sup> Precinct provided the Roll Call during the time and date of the incident, and it showed that Police Officer Keegan and Police Officer Plumitallo were working together. § 87(2)(g)

§ 87(2)(b) described the officer who searched his vehicle as an approximately 5’9” to 5’10” tall white male with a regular build, a mustache, and blonde or brown hair who appeared to be in his mid-30’s. Police Officer Keegan is a § 87(2)(b)-old, 5’9” tall, 200-pound white male with brown hair, an average build, and no facial hair. § 87(2)(b) described the other officer as an approximately 5’7” to 5’8” tall white male with an athletic build and a clean-shaven face who appeared to be in his mid-30’s. Police Officer Plumitallo is a § 87(2)(b)-old, 5’10” tall, 190-pound white male with an average build and no facial hair.

On March 5, 2020, the mediation process was presented to § 87(2)(b) over the telephone. § 87(2)(b) chose to participate in the mediation process because he wants to discuss the incident with both of the officers. § 87(2)(b) was informed that mediation is a voluntary, non-disciplinary, and confidential process.

### **Results of preparing the case for mediation**

On May 25, 2020, Anthony Cennamo, in the Alternative Dispute Resolution (ADR) Unit, reviewed this case and put it into the mediation process. On June 26, 2020, with delays due to COVID-19, Mr. Cennamo left § 87(2)(b) a message informing him that his case was being processed. Due to COVID-19, the approval process did not progress further.

On October 16, 2020, Mr. Cennamo contacted § 87(2)(b). At that time, § 87(2)(b) informed Mr. Cennamo that he did not want to proceed with his complaint § 87(2)(b). § 87(2)(b) confirmed that he was withdrawing the complaint of his own free will, and was not coerced by anyone from the NYPD or CCRB. Mr. Cennamo informed § 87(2)(b) that his case would be closed. Supervisor Rosemary Espinal reviewed the withdrawal email and confirmed that it adhered to agency standards.

Mr. Cennamo added an updated copy of PO Keegan's and PO Plumitallo's CCRB histories to the case file. PO Keegan has not been named as a subject officer in any case since this case was filed. PO Plumitallo has been named in case 202003152 as a subject officer since this case had been filed.

**Recommendation**

§ 87(2)(g)

Mediation Coordinator: Anthony Cennamo

Date: 10/19/2020

Director of Mediation: Lisa Grace Cohen

Date: 4/21/21